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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/267,840

03/12/1999

SCOTT EVANS

EVA-001

7636

7590
JOHN F WOOD
WARD & OLIVA
708 THIRD AVE
NEW YORK, NY 10017

09/24/2007

EXAMINER

CUFF, MICHAEL A

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

09/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/267,840	Applicant(s) EVANS, SCOTT	
	Examiner Michael Cuff	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 41, 44, 46, 47, 50, 53, 54, 55, 57, 61 and 64 are rejected under 35 U.S.C. 102(e) as being anticipated by Purcell et al.

Purcell shows, figure 2, an automated accessible inventory system. The host information management system operates in a database format in which information pertaining to a particular product or service item is maintained as one of a plurality of records of the database and the buyers listing is produced through a report that surveys the plurality of records and compiles the buyers listing from selected information contained within those records. When input, each record is assigned a unique identifier for tracking and processing purposes. Since each record usually reflects a discrete item

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of product or a particular service, the record identifier, such as an identification number, also serves to identify individual products or services among the possibly many that are maintained not only by a particular seller, but also among the several sellers' inventories. In a preferred embodiment, the host operated information management system is interfaced to the sellers and the buyers as a site accessible through the Internet. Easy access is provided (communicated) to the host Internet site (URL is a system access code) to the sellers and buyers, each of whom may access the host site (receiving access code) upon their own initiative remotely through an Internet access provider of their choice.

From column 9, once the system for managing the information is established, access must be facilitated to both sellers and buyers. As previously described, the host and manager of this system will want only those entities that are approved subscribers (meet requirements of a set of rules) to have access. Therefore, an initial step of both sellers and buyers is to solicit authorization for admission into the system from the host administrator or access approvers 12, 15. In an Internet environment, this authorization will be sought electronically by accessing the website or access gates 13, 16 that act as an interface between the information management system and the outside world. After a buyer or seller is approved for access, they will be issued an identifier (this represents an account, all of the identifiers constitute a pool) such as an identification number or name for use when seeking access to the management system through the website. As a further security measure and as is common to many access-upon-request systems, a complimentary password will also be issued that doubly insures that those parties

accessing the information exchange system have been previously authorized by the host.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 42, 43, 45, 48, 49, 51, 52, 56, 58-60, 62 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purcell in view of Barnes.

Purcell, as applied above, shows all the limitations except for specifying different method of paying a bill, different payees, and normal business practices.

Barnes teaches an electronic procurement system and method for trading partners. An Electronic Commerce system enables corporate purchasers and suppliers to electronically transact for the purchase and supply of goods/services. The system includes three major hardware and software components: buyer, supplier and bank/administration. This system facilitates commerce.

Base on the teachings of Barnes et al., it would have been obvious, at the time of the invention to modify the Purcell system to incorporate a financial exchange system like the Barnes invention, including ordinary matters of business, within the access pool of the Purcell inventory information exchange in order to facilitate commerce.

Response to Arguments

Applicant's arguments filed 8/6/07 have been fully considered but they are not persuasive.

Applicant asserts that Purcell does not establish information and business rules common to members. Objectively, think about how broad that limitation is. For example, every member has an identifier. This constitutes information and one rule. Every member has a password. This constitutes a second rule and meets the broad limitation. Column 9, lines 14-32, provides more details and support. Applicant is arguing inherency when the reference flat out shows the broad limitation.

Applicant asserts that Purcell does not show an account pool. Per Webster's dictionary, the most appropriate definition relating to "pool" is a readily available supply. Per this definition, Purcell clearly shows a readily available supply of accounts/members.

Applicant asserts that the motivation of "facilitating commerce" does not meet the burden of motivation. The examiner does not concur. It meets the burden because of common sense. The Barnes reference is merely filling in well-known features that Purcell is silent.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (571) 272-6778. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Cuff 9/17/07

Michael Cuff
September 17, 2007